

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

OTIS HOLMES and MIGUEL HICKS,

Plaintiffs,

v.

TRIUMPH PACKAGING,

Defendant.

Case No. 08 C 81

**Judge Dow
Magistrate Judge Denlow**

DEFENDANT'S ANSWER TO PLAINTIFFS' COMPLAINT

Defendant, Triumph Packaging ("Triumph" or "Defendant"), by and through its attorneys, for its answer to the Complaint filed by Plaintiffs Otis Holmes and Miguel Hicks (collectively, "Plaintiffs"), hereby states as follows:

JURISDICTION AND VENUE

1. This is a claim for relief under Title VII of the Civil Rights Act of 1964, Title 42 U.S.C. §2000e-2 and 3. Jurisdiction is posited upon Title 28 U.S.C. §1334(4).

ANSWER: Defendant admits the allegations contained in paragraph 1 of the Complaint.

2. Defendant is an employer within the meaning of the Act. The conduct complained of occurred within this judicial district in Bolingbrook, Illinois.

ANSWER: Defendant admits the allegations contained in paragraph 2 of the Complaint.

ADMINISTRATIVE PROCEDURES

3. Before filing suit, each of the plaintiffs filed a charge of discrimination against the employer within the Illinois Department of Human Rights. The Equal Employment Opportunity Commission was notified of said charge. Within ninety days of this date, a right-to-sue letter from the Equal Employment Opportunity Commission was issued; and this suit has been timely filed within 90 days of receipt of said right-to-sue letter.

ANSWER: Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Complaint, and therefore denies these allegations.

STATEMENT OF CLAIM

COUNT I

4. On or about February 16, 2007, plaintiff, MIGUEL HICKS, was discriminated against in the terms, conditions and privileges of his employment by defendant as a maintenance mechanic when he was maliciously discharged and retaliated against because of his race (Negroid), in violation of 42 U.S.C. §2000e-2(a)(1), when he reported to management that he had been called a "nigger" by a human resources representative, as more fully set forth in his attached charged of discrimination, Ex. A.

ANSWER: Defendant denies the allegations contained in paragraph 4 of the Complaint.

PRA YER FOR RELIEF

5. Wherefore, plaintiff, MIGUEL HICKS, asks the court to enter judgment, upon the verdict of a jury, in his favor, and against the defendant, TRIUMPH PACKAGING, for all reasonable relief to which he may be entitled under 42 U.S.C. 1981a, and §2000e-5(g) and (k).

ANSWER: Defendant denies that Plaintiff Hicks is entitled to any relief from this Court, and otherwise denies the allegations contained in paragraph 5 of the Complaint.

COUNT II

6. On or about December 15, 2006, co-plaintiff, OTIS HOLMES, was discriminated against in the terms, conditions and privileges of his employment by defendant as a pressman when he was discharged because of his race (Negroid), in violation of 42 U.S.C. §2000e-2(a)(1), more fully set forth in his attached charged of discrimination, Ex. B.

ANSWER: Defendant denies the allegations contained in paragraph 6 of the Complaint.

PRA YER FOR RELIEF

7. Wherefore, co-plaintiff, OTIS HOLMES, asks the court to enter judgment, upon the verdict of a jury, in his favor, and against the defendant, TRIUMPH PACKAGING, for all reasonable relief to which he may be entitled under 42 U.S.C. 1981a, and §2000e-5(g) and (k).

ANSWER: Defendant denies that Plaintiff Holmes is entitled to any relief from this Court, and otherwise denies the allegations contained in paragraph 7 of the Complaint.

Dated: May 5, 2008

Respectfully submitted,

TRIUMPH PACKAGING

By: /s/ Richard A. Saldinger
One of its attorneys

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